

Notice of Allowability

Application No.

10/519,027

Examiner

VAN T. PHAM

Applicant(s)

OHYAMA, MINORU

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/30/2006.
2. ☒ The allowed claim(s) is/are 15-27, 29 and 31 have been renumbered as 1-15, respectfully.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Priority

1. A translation of the foreign application file 08/30/2006 is acknowledged. Therefore the priority date is June 28, 2002.

Election/Restrictions

2. Claims 15-24 and 27 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 25-26, 29 and 31, directed to a difference species, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement as set forth in the Office action mailed on 4/10/2006 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance: claims 15-27, 29 and 31 are allowed.

Sato discloses an optical pickup comprising: a primary laser light source for emitting a primary laser light having a first wavelength and having sufficient power for recording (see Fig. 1, element 2); an integrated device further comprising a secondary laser light source for emitting a secondary laser light having a second wavelength that is longer than the first wavelength and having sufficient power for recording as well as light receiving means for receiving light of the primary and secondary laser lights (see Fig. 1, element 4); and laser light optical path separating elements that are a light beam splitter further comprising a first surface into which the first laser light emitted from the primary laser light source is injected, a second surface from which the primary laser light is emitted to the information recording medium side and into which return path light of the primary laser light from the information recording medium side is injected and a third surface from which the return path light is emitted to the integrated device side (see Fig. 1, element 5).

Takana, discloses an optical pickup comprising: a primary laser light source for emitting a primary laser light having a first wavelength and having sufficient power for recording (see Fig. 6); an integrated device further comprising a secondary laser light source for emitting a secondary laser light having a second wavelength that is longer than the first wavelength and having sufficient power for recording as

well as light receiving means for receiving light of the primary and secondary laser lights (see Fig. 6); and a separating elements that are a polarized light beam splitter that has no polarization selectivity in respect of the primary laser light having the first wavelength and polarization selectivity in respect of the secondary laser light having the second wavelength (see Fig. 4 and col. 5).

None of the cited references disclose or suggest that all the limitation in claim 15, especially the limitation of a laser light optical path separating elements that are a polarized light beam splitter that has polarization selectivity in respect of the primary laser light having the first wavelength and no polarization selectivity in respect of the secondary laser light having the second wavelength.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited References

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to:


- a. Optical head apparatus including two light sources and one photodetector (Katayama et al. US 6,980,505).
- b. Optical pickup apparatus (Hineno et al. US 5,428,596).

- c. Optical pickup device (Sofue US 5,392,274).
 - d. Optical recording and reproducing apparatus (Tanaka et al. US 5,513,164).
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP


THANG V. TRAN
PRIMARY EXAMINER